RE: FAILURE OF INDIAN HIGH COMMISSION IN LONDON TO GIVE PROPER MEDICAL ASSISTANCE TO CHIEF JUSTICE SABYASACHI MUKHERJEE

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam, I want to draw the attention of the House to a very tragic incident which happened in London on account of the treatment, the shabby and shoddy treatment, that was meted out to the Chief Justice of India and the kind of treatment that was given to him by the Indian High Commission.

THE DEPUTY CHAIRMAN: That matter was raised yesterday.

SHRIMATI JAYANTHI NATARAJAN: Yes, Mr. Murlidhar Bhandare raised it, but I want to point out certain other facts and demand a statement from the Government today, if possible, through you. Madam, what happened there was this. I have a copy of the report of the inquiry which was conducted by the President of the Supreme Court Bar Association. From the report we find that the High Commission had treated the Chief Justice so badly. When he suffered a heart attack, he was taken and he was treated privately by his friends. The High Commission never bothered about him... (*Interruptinos*)...

THE DEPUTY CHAIRMAN: There is no discussion. She is only asking some clarifications and a statement.

KUMARI CHANDRIKA PREMJI KENIA (Maharashtra): The Government has agreed to hold an inquiry.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): The Government should send the High Commissioner on leave. That was the agreement. Is Mr. Kuldip Nayar going to be sent on leave or not?

THE DEPUTY CHAIRMAN: I don't know.

SHRIMATI JAYANTHI NATARAJAN: I request the hon. Members to first hear what I am going to say. I know the Government has agreed to hold an inquiry. I find this is totally unacceptable. My demand is totally different; the facts are not placed before the House. It is a very serious matter. This is about the Chief Justice of India. He is the head of the Judiciary of the entire country. This person suffered a heart attack and he was taken by the High Commission and he was admitted in a free hospital... (*Interruptions*)... Madam, I am not going to speak like this.

THE DEPUTY CHAIRMAN: I am listening to you. I associate myself with you.

SHRIMATI JAYANTHI NATARAJAN: What happened was that he was admitted to a free hospital. It is a public health institution. He was taken there at 11 o'clock. He was put in a wheel-chair. All this has been said by Mrs. Sabyaschi Mukherji. He was put in a wheel-chair in a corridor, a man who had suffered a heart attack; from 11.00 A.M. to 6.30 P.M. not even a single doctor came to see him. He was sitting in a wheel-chair.

SHRI N. E. BALARAM (Kerala): A demand has already been made for the recall of the High Commissioner and an inquiry.

SHRIMATI JAYANTHI NATARAJAN: I am not yielding, Balaramji.

SHRI DIPEN GHOSH (West Bengal): It was a criminal negligence on the part of the Indian High Commissioner there.

SHRI SUBRAMANIAN SWAMY: Has the High Commissioner been sacked or not?

SHRIMATI JAYANTHI NATARAJAN: I have not finished. At 6.30 P.M. he was only given a room. From 11 o'clock till 6.30 P.M. he was sitting in a wheel-chair in a corridor. The High Commission doctor came at 10 o'clock. The Indian doctor of the High Commission came at 10 o'clock. I just want to read what the Chief Justice said: "From 11 o'clock I had been sitting in the corridor without any

assistance." And this is the person who suffered a heart attack. This is what he said...(*Interruptions*)..."You don't have to examine because you came at 10 o'clock" Mrs. Sabyasachi Mukherji herself said this—when the Chief Justice said this to that doctor, that doctor was supposed to have said—and I am sorry to use these words—"I am not a bloody servant of the bloody High Commission." This is what the doctor said. I am sorry I have used these words in the House...(*Interruptions*)...

THE DEPUTY CHAIRMAN: I would request, Jayanthi Natarajanji, whatever papers you have with you, I would like you to forward them to the Law Minister. Yesterday, Mr. Dinesh Goswami was in the House and he said he was going to make an inquiry about it. So you submit these papers to him also.

SHRIMATI JAYANTHI NATARAJAN: I will do that, Madam...(*Interruptions*)...

I request Members again not to make this issue a controversy, please.

SHRI V. NARAYANASAMY (Pondicherry): I support what Mrs. Jayanthi Natarajan is saying...

THE DEPUTY CHAIRMAN: You don't have to get up. I have only identified her, not you. You don't have to explain what she is saying. Whatever she has to say, she is saying it in very nice words.

SHRIMATI JAYANTHI NATARAJAN: Madam, Mrs. Sabyasachi Mukharji says, "After this, right up to the 25th when the Chief Justice died, nobody from the High Commission came." The High Commission said that the High Commissioner himself went and visited the Chief Justice as if that was a great act of grace on the part of the High Commissioner. I want to place only one fact before the House. The High Commissioner seems to have told both the Chief Justice and Mrs. Mukharji, "Don't worry; even though you are on a private visit, we will take care of the expenses." Who does he think he is? This is what Mrs. Mukharji said. Madam, this had caused great, untold, worry and agitation in the mind of the Chief Justice. He was a heart patient. He was treated as if he had gone there with a begging bowl. When the High Commissioner said, "Don't worry, we will pay for your expenses", this made things so much the worse for the Chief Justice; his condition further worsened. Then they put him up in a public health institution which they said was one of the best hospitals. It might be a good hospital. But what prevented them from putting him up in a private nursing home?. . .

DR. YELAMANCILI SIVAJI (Andhra Pradesh): Private nursing homes are not available in England.

THE DEPUTY CHAIRMAN: Let us not make a controversy. Why should we make everything so controversial? (*Interruption*) He never went to Enland. How can he say that there are no private nursing homes?

SHRIMATI JAYANTHI NATARAJAN: I want to know, Madam, when the High Commissioner was operated upon for hernia, whether he was put up in a public health hospital or a private nursing home. I am sure it was a private nursing home. Now I demand that not only an inquiry be caused into the matter, the High Commissioner should be recalled immediately and he should be asked to proceed on leave, because this is not the way you treat the Chief Justice of India. It is a matter of great shame. All of us should hang our heads in shame.

SHRI SUBRAMANIAN SWAMY: We fully support her demand for recall of the High Commissioner.

SHRI DIPEN GHOSH: It was a criminal negligence on the part of the High Commissioner not to arrange proper treatment for the Chief Justice of India.

THE DEPUTY CHAIRMAN: The matter has been taken up in the House.

SHRI DIPEN GHOSH: We have seen from the reports of the newspapers that yesterday in the other House the External Affairs Minister had acepted that they

[Shri Dipen Ghosh]

would go into the suggestion made by the honourable Members and that they would come to the House to say what action the Government was going to take. Today is the last day of the special session. It was disgraceful on the part of the Indian High Commissioner to say that the Chief Justice of India was not on an official tour and that he was on a private tour. We want to know what action the Government of India has taken against the Indian High Commissioner in London who failed to arrange proper treatment and who committed a criminal negligence in providing proper medical treatment to the Chief Justice of India who had fallen ill while in London.

SHRI SUBRAMANIAN SWAMY: Do we not have a right to know what action the Government has taken?

THE DEPUTY CHAIRMAN: Will you please take your seat, Mr. Swamy? There is a lady standing behind you to speak.

SHRI SUBRAMANIAN SWAMY: I know her.

THE DEPUTY CHAIRMAN: I know you. Know her. But I have called her to speak.

SHRI SUBRAMANIAN SWAMY: She will certainly give me permission to speak first...

THE DEPUTY CHAIRMAN: It is not she who gives you permission to speak; it is the Chair.

SHRI SUBRAMANIAN SWAMY: Do we not have a right to know what action the Government has taken?

SHRI DIPEN GHOSH: Madam, ... (*Interruption*)

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, don't get agitated. Yesterday perhaps you were not present in the House when the matter was taken up. The rule is that if a matter has already been raised in the House, it is not repeated the next day. But considering the seriousness of the situation I have permitted Jayanthi Natarajan and Sushma Swaraj. Now you are also included in it (*Interruption*) Yes, Mr. Subramanian Swamy and Mr. Narayanasamy are also included. (*Interruption by Shri M. M. Jacob*) Yes, Mr. Jacob's name is also included.

THE DEPUTY CHAIRMAN: I am sorry, I am absolutly aghast that the same thing is being said. Is it necessary that you should also get up and say that you should be included in this? O. K. Mr. Jacob is included. Yes Mr. Madani also there. No, Mrs. Sushma Swaraj.

श्रीमती सुषमा स्वराज (हरियाणा) : उपसभापति महोदया, जो मसला आज जयन्ती जी ने उठाया है, वही मसला कल विशेष उल्लेख के जरिए श्री मुरलीधर भंडारे ने उठाया था और लोकसभा में श्री लोढ़ा ने उठाया था ।

उपसभापति महोदया, जहां तक सर्वोच्च न्यायालय के प्रधान न्यायाधीश के साथ किए जाने वाले दुर्व्यवहार का ताल्लुक है, जो वारदातें वहां हुई उनको मैं फिर दोहराना नहीं चाहती हूं क्योंकि कल के अपने बयान में श्री मुरलीधर भंडारे ने और तमाम सदस्यों ने उन घटनाओं की बयानगी की है । उन मसलों और वारदातों का जिक्र मैं नहीं करना चाहती हूं । हिन्दुस्तान टाइम्स में बहुत डिटेल में उन तमाम घटनाओं का जिक्र आया है । मैंने सव्यसाची मुखर्जी की पत्नी श्रीमती रत्ना मुखर्जी से भेंट की और उन्होंने अखबारों में जो कुछ लिखा गया है उनके एक एक शब्द की प्रमाणिकता को उन्होंने स्वीकारा है । मुझे केवल यही कहना है बिना उन बातों को दोहराए हुए कि कल लोढ़ा जी ने इस मसले को जब लोक सभा में उठाया था तो मेरी जानकारी यह है कि शायद कोई संयुक्त संसदीय समिति बनाए जाने की बात वहां हुई और जैसा आपने कहा और लॉ मिनिस्टर ने भी कहा था कि जो कार्यवाही होगी, उसकी सूचना इस सदन को दे दी जाएगी । मैं यह जानना चाहूंगी कि अगर कोई संसदीय समिति

बनाई गई तो उसकी जानकारी इस सदन को दी जाए और यदि नहीं बनाई गई है तो मेरा सुझाव है कि यह मसला इतना गंभीर है कि इस पर संसदीय समिति बने जिसमें लोक सभा और राज्य सभा के सदस्य हों जो मिले जुले ढंग से देखें कि इतना दुर्व्यवहार हाई कमीशन के द्वारा या वहां के लोगों के द्वारा हमारे प्रधान न्यायाधीश के साथ क्यों किया गया ?

उपसभापति : बस हो गया, आपकी बात आ चुकी है... **(व्यवधान)**

श्रीमती सुषमा स्वराज : महोदय, यह सवाल केवल दुर्व्यवहार का नहीं है, आर्डर आफ प्रिसिडेंस में प्रेसिडेंट, प्राइम मिनिस्टर के बाद...

उपसभापति : यह भी रिपिटिशन हो रहा है, यह कल हो चुका है... **(व्यवधान)**

श्रीमती सुषमा स्वराज : मैं नई बात कह रही हूं। मैं यहां के दुर्व्यवहार की बात कर रही हूं। आज मुझे रत्ना मुखर्जी ने बताया कि वहां के दुर्व्यवहार की बात रहने दीजिए, यहां भी उन्हें यह कहा जा रहा है कि 15 दिन के अंदर अपना मकान खाली कीजिए क्योंकि ये रूल्स हैं। रूल्स दिखाकर उनको कहा जा रहा है कि अगर प्रधान न्यायाधीश रिटायर होते हैं तो एक महीने तक कानून के मुताबिक मकान रख सकते हैं, लेकिन अगर उनकी डैथ हो जाती है तो वह केवल 15 दिन तक ही मकान रख सकते हैं। मैं पूछना चाहती हूं कि इन नियमों का क्या औचित्य है?... **(व्यवधान)**

उपसभापति : ठीक है, आपने बात उठाई है, इसमें सरकार निर्णय लेगी... **(व्यवधान)**

श्रीमती सुषमा स्वराज : जब उनको खुद को अरेंजमेंट करना हो तो एक महीने तक मकान रख सकते हैं और अगर उनकी विधवा को इंतजाम करना हो तो उनको केवल 15 दिन के अंदर ही प्रबंध करना होगा। मैं केवल यही कहना चाहती हूं कि यह नियम संविधान की आत्मा के विपरीत बने हुए हैं और सरकार का यह फर्ज बनता है कि उनको देखे और उन नियमों में सुधार करे... **(व्यवधान)**

उपसभापति : सुषमा जी आप बैठ जाइए। बात आ गई आपकी... **(व्यवधान)**

श्रीमती सुषमा स्वराज : मैं सरकार से कहना चाहती हूं कि उन को कम से कम दो महीने तक वहां रहने की इजाजत दी जाए।

उपसभापति : मैं आपकी तरफ से भी बोल देती हूं। माननीय पार्लियामेंटरी अफेयर्स के मिनिस्टर यहां पर हैं, अगर उन्हें डिस्टर्ब न करूं। यह सवाल यहां पर उठाया गया था कि अगर चीफ जस्टिस साहब के साथ अच्छा सलूक नहीं हुआ जब से वे बीमार पड़े, जब वे गुजर गए और उसके बाद भी अच्छा सलूक नहीं हुआ। उसकी सब ने निन्दा की थी।

Everybody was unhappy and condemned whatever happened including the Chair. Now, the point which the honourable Member, Mrs. Sushma Swaraj has raised is that even his wife is being given notice to vacate the house within fifteen days. I do not dispute it. Perhaps there are certain rules. But I would request you to look into the matter and, if there is such a rule, please try to be considerate to a woman whose husband has died. Now, the matter is closed. I do not know. (*Interruptions*) I have tolerated enough controversy. I am requesting the Government that even if there is any rule—you are not sure what is the rule, I am not sure— even if it is a rule, it can be an exception.

Now, please...(*Interruptions*).

डा० अबरार अहमद खान (राजस्थान): सदन के नेता से मैं यह गुजारिश करना चाहता हूं कि वह भी पंजाब पर अपने स्पीकर वापस ले लें क्योंकि हमारी कांग्रेस पार्टी की तरफ से भी कोई नहीं बोल रहा है । इसे पास करा दें और उसके बाद गोंडा चालू करें । **(व्यवधान)**

उपसभापति : अभी इन्हें बोलने दीजिए ।

SHRI JAGESH DESAI (Maharashtra): On a point of order, *(Interruptions)* This only expires on 9th November, 1990. What is the urgency for the Government? *(Interruptions)*

THE DEPUTY CHAIRMAN: Please take your seat. That is not a point of order. Please sit down. *(Interruptions)* I cannot permit you. *(Interruptions)* Please sit down. There is no point of order arising out of it. *(Interruptions)*

गृह मंत्रालय में राज्य मंत्री (श्री सुबोध कान्त सहाय) : महोदया, माननीय सदस्य बेकार परेशान हो रहे हैं । इसके पहले कुछ नहीं होने जा रहा है, कोई ऐसी बात नहीं है । कोई राजनीतिक अस्थिरता नहीं आने जा रही है । यही निवेदन करना चाहता हूं कि यह सरकार पांच साल चलेगी और आपकी हिस्सेदारी इसमें रहेगी ।

STATUTORY RESOLUTION RE: CONTINUANCE IN FORCE OF PRESIDENT'S PROCLAMATION UNDER ARTICLE 356 IN RELATION TO PUNJAB.

गृह मंत्रालय में राज्य मंत्री (श्री (सुबोध कान्त सहाय) : महोदया, मैं इस प्रस्ताव को आपके समक्ष विचारार्थ प्रस्तुत करने की आज्ञा चाहता हूं कि :

"यह सदन संविधान की धारा 356 के अंतर्गत राष्ट्रपति द्वारा निर्मित दिनांक 11 मई 1987 की अधिघोषणा जिसके माध्यम से पंजाब में लागू राष्ट्रपति शासन की अवधि को 15 नवम्बर 1990 से अगले 6 मास तक विस्तारित करने की स्वीकृति प्रदान करता है ।"

यह प्रस्ताव रखने के साथ-साथ इस प्रस्ताव को सदन से अनुमोदित करने का अनुरोध भी करता हूं ।

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam, I beg to move:

That at the end of the said Resolution, the following be added, namely:—

"That this House further resolves that the general elections to the Punjab Assembly be held not later than the 1st January, 1991."

THE DEPUTY CHAIRMAN: Mr. Shabbir Ahmad Salaria—not present.

The questions were proposed.

(Interruptions)

श्री बलराम सिंह यादव (उत्तर प्रदेश) : बीच आफ प्रिविलेज का नोटिस मैंने आपको सवेरे दिया था तो मैं जानना चाहता हूं कि उस पर क्या हुआ ?

उपसभापति : आपने ब्रीच आफ प्रिविलेज का जो नोटिस दिया था वह चेयरमैन साहब के सामने है । जैसा भी निर्णय उस पर वह लेंगे उसकी आपको सूचना दे दी जायेगी । हाउस अगर खत्म हो जाता है तो प्रिविलेजेज खत्म नहीं होते । प्रिविलेज कमेटी हाउस खत्म होने के बाद भी मिलती रहती है । इसलिए प्रिविलेज का जो नोटिस आपका आया है वह चेयरमैन साहब के सामने है । उन्होंने मुझे भी देखने को कहा है ।

श्री बलराम सिंह यादव : मामले की गम्भीरता को समझ लें । आपसे मैं निवेदन करना चाहता हूं कि जिस समय